

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">vs.</div> BRIAN VICKERS, <div style="text-align: center;">Defendant.</div>))))))))))	8:06CR164 ORDER
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This matter is before the court on the motion to continue by defendant Brian Vickers (Vickers) (Filing No. 13). Vickers seeks a continuance of the trial of this matter scheduled for September 5, 2006. Vickers' counsel represents that government's counsel has no objection to the motion. Vickers has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Vickers consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 14). Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Vickers's motion to continue trial (Filing No. 13) is granted.
2. Trial of this matter is re-scheduled for **October 2, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 7, 2006 and October 2, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 7th day of August, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge